

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marsha Byrd,

Plaintiff

v.

Amanda Laub,

Defendant

Case No. 2:23-cv-01135-CDS-MDC

Order Adopting Magistrate Judge's
Report and Recommendation
and Closing Case

[ECF No. 5]

Plaintiff Marsha Byrd, an inmate in the custody of Florence McClure Women's Correctional Center, filed the instant civil-rights complaint under 42 U.S.C. § 1983, but failed to file an application to proceed *in forma pauperis* (IFP) or pay the filing fee required to bring a civil action. *See* Compl., ECF No. 1-1. On March 11, 2024, Magistrate Judge Maximiliano D. Couvillier, III issued an order giving Byrd until April 10, 2024 to either pay the filing fee or submit an IFP application. Order, ECF No. 4. The order warned Byrd that a recommendation to dismiss the case would follow if she failed to timely comply with the court's order. *Id.* at 2. Because the deadline had expired and Byrd had not complied with his order, Judge Couvillier issued a report and recommendation (R&R) that this action be dismissed. R&R, ECF No. 5.

Byrd had until May 3, 2024 to file any objections to the R&R. LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days); *see also* 28 U.S.C. § 636(b)(1). As of the date of this order, no objections have been filed and the deadline to do so has passed. The Ninth Circuit has recognized that a district court is not required to review a magistrate judge's R&R where no objections have been filed. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). I nonetheless reviewed Judge Couvillier's previous order, the R&R, and the docket in this matter, and find that dismissal is warranted for Byrd's failure to comply with Judge Couvillier's March 11, 2024 order.

Conclusion

IT IS THEREFORE ORDERED that the report and recommendation [ECF No. 5] is
ADOPTED. This case is dismissed without prejudice for failure to comply with the court's order.

The Clerk of Court is kindly directed to close this case.

Dated: May 22, 2024


Cristina D. Silva
United States District Judge